

IN SENATE OF THE UNITED STATES.

JUNE 20, 1848.

Submitted, and ordered to be printed.

Mr. MASON made the following

REPORT:

The Committee of Claims, to whom was referred the "petition of Arnold Naudain, for compensation for superintending the construction of floating lights, while collector of the customs for the district of Delaware," have had the same under consideration, and report:

That it appears from the statement of the petitioner, that during the years 1843, 1844, and 1845, the government of the United States caused to be constructed several floating lights on the Delaware bay, and within the district of which he was the collector. That during the time of said construction, the petitioner voluntarily and without any authority supervised the operations, thereby performing duties that did not belong to his office, and which it is alleged are usually discharged by an officer appointed for the purpose at a per diem allowance of \$2 50. Compensation for these services has been refused by the department on the ground that it is forbidden by the second section of the "Act making appropriations for the support of the army and military academy," passed August 23, 1842. The petitioner now applies to Congress for relief, and urges that the proviso in question was not intended by its framers to embrace similar cases.

Your committee are of opinion that the prayer of the petitioner should not be granted for the following reasons:

1st. Because there was no authority given to the petitioner by the government to discharge the duties for which compensation is claimed.

2d. Because it is not proper, as the committee think, for an officer of the government to assume the discharge of duties not within the scope of his office and then claim compensation for having done so; and,

3d. Because all extra compensation is expressly forbidden by the act of Congress to which the petitioner has referred.—(See vol. 5, Stat. at Large, page 510.)

Your committee therefore recommend the adoption of the accompanying resolution:

Resolved, That the prayer of Arnold Naudain, asking compensation for services as superintendent of the construction of floating lights in the Delaware bay, should not be granted.

